

REMARKS

Claims 1-41 are pending in the present application, of which claims 1, 15, 17, 24, 39, 40 and 41 are independent. No amendments have been made. Applicants believe that the present application is in condition for allowance, which prompt and favorable action is respectfully requested.

I. REJECTION UNDER 35 U.S.C. §102

The Examiner rejects claims 1-11 and 15-41 under 35 U.S.C. §102(b) as being unpatentable over Ayerst et al U.S. Publication No. 5,638,369 (Ayerst).

Claim 1 recites, in part, as follows "selecting one random access channel from among **at least two random access channels based on the current operating state.**" This recitation is not taught or disclosed by Ayerst.

At page 9 of the Office Action it is stated that Ayerst discloses that the "inbound channel can be designated for all selective call devices to be for ALOHA transmissions and others for scheduled transmissions." As such, "Ayerst discloses selecting one contention-based random access channels from among at least two contention-based random access channels (a scheduled channel or a random ALOHA channel) based on the current operating state (unsolicited inbound message or scheduled responses) of a terminal (selective call device). Applicants respectfully disagree **that a scheduled inbound channel can be construed as a random access channel.** This is made clear by Ayerst that distinguishes, both in terms of function and advantages, between a random access channel and a scheduled channel, e.g. "scheduling of inbound messages under certain circumstances improves the throughput of the inbound channel in comparison to that achievable for an unscheduled, random input inbound channel organization scheme such as that used in an ALOHA system." (Col 17, lines 26-30). Therefore, for at least this reason, Ayerst does not disclose "selecting one random access channel from among at least two random access channels based on the current operating state, "as recited in claim 1.

Further, the various slots within the Aloha subset (random) are randomly selected and not based upon any criteria, having to with the selective call device. The specific slots for

Serial No. 10/693,532
Examiner: Saba Tsegaye
Confirmation No. 2316
Customer No.: 23696

inbound transmission in the Aloha subset are randomly chosen (Figure 8, step 845). Specifically, Ayerst discloses that "one of the inbound channels in the ALOHA subset is chosen randomly at step 845 by the processing system 710, and the inbound message is then transmitted at a time slot determined by the processing system 710 in the ALOHA, portion 450, 518 of the randomly selected channel using an ALOHA technique at step 850." (Col 15, lines 53-57). As such, the decision to choose one of these random slots over another random slot is not based on the operating state of the device or any criteria. Therefore, for at least this reason, Ayerst does not disclose "selecting one random access channel from among at least two random access channels based on the current operating state, "as recited in claim 1.

Claims 2-11 depend from claim 1 and are allowable for, at least, the same reasons as discussed with respect to claim 1.

Moreover, claim 2 recites that "the at least two random access channels include a first random access channel used by registered terminals for system access and a second random access channel used by registered and unregistered terminals for system access." Ayerst discloses a plurality of ALOHA channels, e.g. time slots 450 of Figs. 4 and 5. However, Ayerst does not disclose that any of the time slots 450 are reserved for any particular type of terminal, and does not even discuss registered and unregistered terminals. Therefore, claim 2 is independently allowable over Ayerst.

Moreover, claim 4 recites that "the current operating state is indicative of whether or not the terminal has registered with the system." As discussed with respect to claims 1 and 2, Ayerst allows for transmission in a random ALOHA channel and does not reserve the ALOHA time slots for any particular of terminal, and does not even discuss registered and unregistered terminals. Therefore, for at least these reasons, claim 4 is independently allowable.

Moreover, claim 5 recites that "the current operating state is indicative of whether or not the terminal can compensate for propagation delay to an access point receiving the message." As discussed with respect to claim 1, Ayerst discloses determining an identifier of the frame in which a ALOHA channel identifier was received in determining what frame to transmit an ALOHA transmission. It does not select a random access channel based upon "whether or not the terminal can compensate for propagation delay to an access point receiving the message," or

even mentions this concept, as recited in claim 5. Therefore, for at least this reason, claim 5 is independently allowable.

Moreover, claim 6 recites that "the current operating state is indicative of whether or not a particular received signal-to-noise ratio (SNR) is achieved for the terminal." There is no teaching or disclosure in Ayerst regarding calculation of SNR. Therefore, for at least this reason, claim 6 is independently allowable.

Claim 15 recites, amongst other things that "if the terminal is registered, transmitting a first message on a first contention-based random access channel to access the system," and "if the terminal is unregistered, transmitting a second contention-based message on a second random access channel to access the system." As discussed above with respect to claims 2 and 4, Ayerst does not mention registered and unregistered terminals. Therefore, for at least this reason, claim 15 is allowable over Ayerst.

In addition, Ayerst does not disclose different types of random access channels, e.g. a first and second random access channels, for different terminal types. Therefore, for at least this reason, claim 15 is allowable over Ayerst.

Claim 16 depends from claim 15 and is allowable for, at least, the same reasons as discussed with respect to claim 15.

Claim 17 contains recitation similar to claim 15 and is allowable for at least the same reasons as stated with respect to claim 15. Therefore, claim 17 is allowable over Ayerst.

Claims 18-23 depend from claim 17 and are allowable for, at least, the same reasons as discussed with respect to claim 17.

Claim 24 includes recitations similar to claim 17 and is allowable, for at least the same reasons as stated with respect to claim 17.

Claims 25-38 depend from claim 24 and are allowable for, at least, the same reasons as discussed with respect to claim 24.

Claim 39 and 40 include recitations similar to claim 1 and are allowable, for at least the same reasons as stated with respect to claim 1.

Claim 41 includes recitations similar to claim 17 and is allowable, for at least the same reasons as stated with respect to claim 17.

Serial No. 10/693,532
Examiner: Saba Tsegaye
Confirmation No. 2316
Customer No.: 23696

II. REJECTION UNDER 35 U.S.C. §103

A. Claim 14

The Examiner rejects claim 14 under 35 U.S.C. §103(a) as being unpatentable over Ayerst et al U.S. Publication No. 5,638,369.

Claim 14 depends from claim 1 and is allowable for at least the same reasons, as stated with respect to claim 1.

B. Claim 12

The Examiner rejects claim 12 under 35 U.S.C. §103(a) as being unpatentable over Ayerst et al U.S. Publication No. 5,638,369 in view of du Crest U.S. Patent No. 2004/0047292.

Claim 12 depends from claim 1 and is allowable for at least the same reasons, as stated with respect to claim 1.

C. Claim 13

The Examiner rejects claim 13 under 35 U.S.C. §103(a) as being unpatentable over Ayerst et al U.S. Publication No. 5,638,369 in view of Cadwell U.S. Patent No. 2002/0122393.

Claim 13 depends from claim 1 and is allowable for at least the same reasons, as stated with respect to claim 1.


Serial No. 10/693,532
Examiner: Saba Tsegaye
Confirmation No. 2316
Customer No.: 23696

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REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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Serial No. 10/693,532
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